

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>In re:</b>	)	
	)	
<b>CATHY T. NGUYEN,</b>	)	<b>Case No: 19-10855-BFK</b>
	)	<b>Chapter 13</b>
	)	
<b>Debtor.</b>	)	
_____	)	

**OBJECTION TO CHAPTER 13 PLAN, NOTICE OF  
OBJECTION AND NOTICE OF HEARING ON OBJECTION**

Westerley Homeowners Association (“Association”), by counsel, states as follows for its Objection to the Chapter 13 Plan of Debtor Cathy T. Nguyen (“Debtor”) filed on June 12, 2019 [Docket No. 27] (“Plan”).

1. The Debtor filed her Chapter 13 bankruptcy petition on March 18, 2019 (“Petition Date”).
2. The Debtor owns the property located 21489 Rusty Blackhaw Square, Sterling, Virginia (“Property”). The Property is within the boundaries of the Association and is subject to Association Assessments (“Assessments”).
3. The Association is a creditor of the Debtor. The Association filed its Proof of Claim on April 17, 2019 [Claim No. 2] in the amount of \$4,470.60 (\$4,058.60 secured, \$412.00 unsecured) in Debtor’s Chapter 13 case (“Claim”). The Claim is secured by a judgment lien and a homeowner association lien recorded among the land records of Loudoun County Circuit Court.

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**MERCERTRIGIANI LLP**  
Michael L. Zupan (VSB No. 24962)  
David S. Mercer (VSB No. 13323)  
112 South Alfred Street  
Alexandria, Virginia 22314  
Phone: (703) 837-5002  
Fax: (703) 837-5012  
[michael.zupan@mercetrigiani.com](mailto:michael.zupan@mercetrigiani.com)  
*Counsel for Westerley Homeowners  
Association.*

4. Although Debtor has budgeted the Assessment as an ongoing monthly expense, on line 4d. of Schedule J, Debtor has not paid the monthly assessments and late fees that accrued after the Petition Date (“Post-Petition Assessments”). The Post-Petition Assessments that accrued on April 1, May 1, June 1, and July 1 2019 (\$104.00 each), have not been paid. Four late fees (\$10.00 each) have accrued to the account. To date, unpaid Post-Petition Assessments total \$456.00.

5. Debtor is not in compliance with her proposed Plan. Debtor should be required to issue a \$456.00 payment to the Association. Any Confirmation Order should require Debtor to issue timely and full payment of the Association’s Post-Petition Assessments during the pendency of her case.

WHEREFORE, the Association asks that confirmation of the Chapter 13 Plan be denied.

### **Notice**

Westerley Homeowners Association has filed this Objection to Confirmation of the Chapter 13 Plan filed on June 12, 2019.

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE).**

If you do not wish the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before seven (7) days prior to the hearing date, you or your attorney must:

- File with the Court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1 (H). Unless a written response and supporting memorandum are filed and served within seven (7) days of the hearing date noted below, the Court may deem any opposition waived, that the Objection is conceded, and issue an Order granting the relief requested without further notice or hearing. **If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date referenced above.** You must mail a copy to the persons listed below.

Michael L. Zupan  
MERCERTRIGIANI LLP  
112 South Alfred Street  
Alexandria, Virginia 22314

Thomas P. Gorman – Chapter 13 Trustee  
300 North Washington Street, Suite 400  
Alexandria, Virginia 22314

Clerk of Court  
U.S. Bankruptcy Court, Eastern District of Virginia  
200 South Washington Street  
Alexandria, Virginia 22314-5405

John P. Fitzgerald, III  
Office of the U.S. Trustee - Region 4-R  
1725 Duke Street, Suite 650  
Alexandria, Virginia 22314

- Attend a hearing to be held on July 25, 2019, at 1:30 p.m. in Courtroom 1, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia. If no timely response has been filed opposing the relief requested, the Court may grant the relief without holding a hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order sustaining the Objection.

**WESTERLEY HOMEOWNERS  
ASSOCIATION**

By Counsel

Date Filed: July 17, 2019

**MERCERTRIGIANI LLP**  
By: /s/ Michael L. Zupan  
Michael L. Zupan (VSB No. 24962)  
David S. Mercer (VSB No. 13323)  
112 South Alfred Street  
Alexandria, Virginia 22314  
Phone: (703) 837-5002  
Fax: (703) 837-5012  
[michael.zupan@mercetrigiani.com](mailto:michael.zupan@mercetrigiani.com)  
*Counsel for Westerley Homeowners Association*

**CERTIFICATE**

I certify that a copy of the foregoing Objection, Notice of Objection and Hearing was electronically transmitted via the Court's ECF system and/or mailed by first class mail this 17th day of June 2019, to the following:

Cathy T. Nguyen  
21489 Rusty Blackhaw Square  
Sterling, VA 20164

Ashvin Pandurangi  
AP Law Group, PLC  
211 Park Avenue  
Falls Church, VA 22046  
(Counsel for Debtor)

Thomas P. Gorman, Chapter 13 Trustee  
300 North Washington Street, Suite 400  
Alexandria, VA 22314

John P. Fitzgerald, III, U.S. Trustee  
Office of the U.S. Trustee – Region 4  
1725 Duke Street, Suite 650  
Alexandria, VA 22314

/s/ Michael L. Zupan  
Michael L. Zupan

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